

55/248 #2
sp 331



Attorney's Docket No. 5987

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Easley et al.

Serial No.: 08/514,663

Group No.: 3311

Filed: August 15, 1995

Examiner: S. Harris

For: Laser Delivery System with Soft Tip

RECEIVED
JUN 11 1996
GROUP 3300

Box DAC
Assistant Commissioner for Patents
Washington, D.C. 20231

TERMINAL DISCLAIMER TO OBVIATE A DOUBLE PATENTING
REJECTION (37 CFR 1.137(C))

Identification of Person(s) Making This Disclaimer

I, Gregory E. Upchurch,

(a) represent that I am

☐ an inventor of this invention.

☐ an assignee of this invention.

☐ a representative authorized to sign on behalf of the assignee identified below.

☒ an attorney of record.

I hereby certify that this correspondence is being deposited
with the U.S. Patent Office in accordance with the provisions of
37 CFR 1.137(c) and is being deposited in an envelope
addressed to the U.S. Patent Office, Washington, DC 20540-5000.

Gregory E. Upchurch
June 28, 1996
Date of Signature

270 VJ 07 05-96 08518663
1 2/8 05:00 CR

**Identity of Assignee and Title of Disclaimant
(if applicable)**

The assignee is

Name of assignee Infinitech, Inc.

Address of assignee 750 Goddard, Chesterfield, Missouri 63005

Title of disclaimant authorized to sign on behalf of assignee: Attorney of Record

Extent of Disclaimant's Interest

The extent of the interest in this invention that the disclaimant owns is in:

☒ the whole of this invention.

☐ a sectional interest in this invention as follows:

Recordal of Assignment in PTO (if applicable)

☒ The assignment was recorded on October 12, 1993 in the parent application
08/048,149 at

Reel 6721 Frame 0120

☐ Authorization for recordal of the assignment is separately attached.

☐ A separate ☐ "Assignment (document) cover sheet" or ☐ Form PTO 1595 is also
attached.

**Establishing Right of Assignee to Take Action
(if applicable)**

☐ Attached is a Certificate Under 37 CFR 3.73(b) establishing the right of the assignee
to take action in this case.

NOT APPLICABLE

Disclaimer

The terminal part of the statutory term of any patent granted on the above-identified application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 to 156 and 173 of:

☒ U.S. Patent No. 5,441,496, as presently shortened by any terminal disclaimer,

☐ Any patent granted on application number 0 / _____,

is hereby disclaimed, except as provided below, and it is agreed that any patent so granted on the above-identified application shall be enforceable only for and during such period that the legal title to said patent shall be the same as the legal title to

☒ U.S. Patent No. 5,441,496,

☐ Any patent granted on application number 0 / _____,

this agreement to run with any patent granted on the above-identified application and to be binding upon the grantee, its successors or assigns.

In making the above disclaimer, disclaimant does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 to 156 and 173 of:

☒ U.S. Patent No. 5,441,496, as presently shortened by any terminal disclaimer,

☐ Any patent granted on application number 0 / _____,

in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims cancelled by a reexamination certificate, is reissued in any matter or is terminated prior to expiration of its fully statutory term as presently shortened by any terminal disclaimer, except for the separation of legal title stated above.

Fee Status
(37 CFR 1.20(d))

☐ Other than a small entity -- fee \$110.00

☒ Small entity -- fee \$55.00.

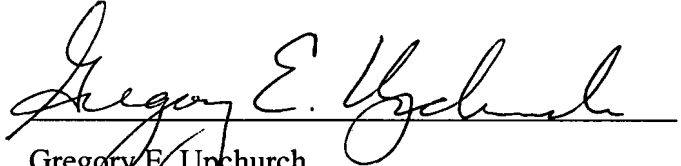
☐ A verified statement is attached.

☐ A verified statement was already filed on April 15, 1993 in the parent application 08/048,149.

Fee Payment

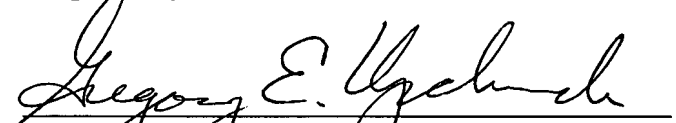
☒ Attached is a check in the sum of \$ 55.00

The Commissioner is hereby authorized to charge any additional fees or credit overpayment under 37 CFR 1.16 and 1.17 which may be required by this paper to Deposit Account 16-2201. *Duplicate copies of this sheet are enclosed.*



Gregory E. Upchurch
Reg. No. 28,482
Attorney of Record

Respectfully Submitted,



Gregory E. Upchurch, Reg. No. 28,482
Polster, Lieder, Woodruff & Lucchesi, L.C.
763 South New Ballas Road
St. Louis, MO 63141
(314) 872-8118
(314) 991-2178 (fax)

Date: 6/28/96